



# Journal of the House

State of Indiana

113th General Assembly

Second Regular Session

Twentieth Meeting Day

Thursday Morning

February 12, 2004

The House convened at 10:30 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Linda Philabaun, First Presbyterian Church, Lewisville, the guest of Representative Thomas A. Saunders.

The Pledge of Allegiance to the Flag was led by Representative Saunders.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski ...
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett ...
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Messer
Buck	Moses
Budak	Murphy
Buell	Neese
Burton	Noe
Cheney	Orentlicher
Cherry	Oxley
Chowning	Pelath
Cochran	Pflum
Crawford	Pierce
Crooks	Pond
Day	Porter
Denbo	Reske
Dickinson	Richardson
Dobis	Ripley
Duncan	Robertson
Dvorak	Ruppel ...
Espich	Saunders
Foley	Scholer
Frenz	V. Smith
Friend	Stevenson
Frizzell	Stilwell
Fry ...	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Van Haaften
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 201: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 16, 2004 at 2:00 p.m.

C. BROWN

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 7 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

**ESB 3** — Mays, Buell (Appointments and Claims)  
A BILL FOR AN ACT to repeal certain provisions of the Indiana Code concerning taxation.

**ESB 60** — Saunders (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 216** — Bardon, Harris, Hoffman (Appointments and Claims)  
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**ESB 217** — Reske, Scholer (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**ESB 257** — Crawford, Espich (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

**ESB 268** — Porter, Behning (Education)  
A BILL FOR AN ACT concerning education.

**ESB 292** — Moses, Neese, Ulmer, Fry (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning health.

**ESB 403** — Frenz, Borror (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**ESB 425** — Lytle (Appointments and Claims)  
A BILL FOR AN ACT concerning state and local administration.

**ESB 465** — Lytle, Murphy (Appointments and Claims)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

**ESB 497** — C. Brown, Becker (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning health.

## RESOLUTIONS ON FIRST READING

### House Resolution 23

Representatives Kersey, Chowning, LaPlante, Grubb, and Thomas introduced House Resolution 23:

A HOUSE RESOLUTION honoring Larry Bird.

*Whereas, Larry Bird, one of Indiana's most well known favorite sons, was born December 7, 1956, in West Baden, Indiana;*

*Whereas, Larry Bird attended Springs Valley High School and Indiana State University;*

*Whereas, Larry Bird, an Indiana basketball legend, is arguably the most recognizable alumnus of Indiana State University;*

*Whereas, Larry Bird was a 1978 and 1979 consensus All-American, the 1979 Sporting News Player of the Year, the 1978 and 1979 Missouri Valley Conference Player of the Year, and the fifth all-time leading NCAA scorer with an average of 30.3 points per game;*

*Whereas, While attending Indiana State University, Larry Bird scored more than 40 points in a game 15 times, more than 30 points 49 times, and more than 20 points 87 out of 94 games;*

*Whereas, At Indiana State University, Larry Bird played on teams that compiled an 81-13 record and a 50 -1 record at home, led Indiana State to the 1979 NCAA finals, and was named the John Wooden Award winner in 1979;*

*Whereas, As an eligible junior, Larry Bird was drafted by the Boston Celtics in the first-round of the 1978 draft and was the sixth pick overall;*

*Whereas, Larry Bird enjoyed an outstanding career in the National Basketball Association, being voted the NBA Rookie of the Year in 1980 and a member of the All-Rookie Team, the All-NBA First Team each of his first nine years in the league, and the All-Star team 12 times;*

*Whereas, Larry Bird was named the MVP of the All-Star game in 1982, playoff MVP in 1984 and 1986, and the regular season MVP in 1984, 1985, and 1986, making him one of only three players in NBA history to be named the regular season MVP for three consecutive seasons;*

*Whereas, Larry Bird is the only Celtic to score more than 2,000 points in three consecutive seasons and is the NBA's twelfth all-time scorer;*

*Whereas, Perhaps the events that best represent Larry Bird's strong desire to compete and win are the miraculous steal of Detroit Piston Isaiah Thomas' inbound pass with five seconds left in the game to give Boston a victory in game five of the 1987 playoff series and his Superman-like return after a serious fall to the floor in the fifth game of the 1991 playoff series against the Indiana Pacers;*

*Whereas, In addition to his play in the NBA, Larry Bird was cocaptain of the 1992 Gold Medal winning Olympic team that came to be known as the "Dream Team";*

*Whereas, After retiring from the NBA as a player, Larry Bird returned as the head coach of the Indiana Pacers in the 1997-1998 season;*

*Whereas, As head coach, Larry Bird led the Pacers to the Eastern Conference finals in 1998 and 1999;*

*Whereas, In 1998, the Pacers forced the Michael Jordan-led Chicago Bulls to a seven-game series, and in 1999, the Pacers won the Central Division championship for the second time in their NBA history;*

*Whereas, In the 1999-2000 season, the Pacers won the Eastern Conference Championship and went to the NBA Finals during which the Los Angeles Lakers, led by that year's most valuable player, Shaquille O'Neal, won the championship; and*

*Whereas, Larry Bird came from humble beginnings in a small southern Indiana town and achieved greatness both on and off the court: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes Larry Bird for his many accomplishments and thanks him for the countless hours of pleasure he has given to the fans of Indiana State and NBA basketball.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Larry Bird, Indiana State Director of Athletics Andrea Myers, and Indiana State University President Lloyd W. Benjamin III.

The resolution was read a first time and adopted by voice vote.

### House Resolution 24

Representatives Kersey, Chowning, LaPlante, Grubb, and Thomas introduced House Resolution 24:

A HOUSE RESOLUTION honoring Duane Klueh.

*Whereas, Duane Klueh was born January 6, 1926, in Bottineau, North Dakota;*

*Whereas, Duane Klueh was a graduate of State High School and Indiana State University;*

*Whereas, Duane Klueh was a three year varsity player on the basketball team and led State High School to a state ranking as a senior co-captain;*

*Whereas, An outstanding athlete, Duane Klueh lettered four years in tennis and two years in baseball;*

*Whereas, A 6 foot 3 inch guard, Duane Klueh was named the 1948 Helm's Foundation College Player of the Year, to the 1948 Helm's Foundation All-American first team, the 1949 John Wooden Outstanding Collegiate Player, and to the 1948 and 1949 Sporting News All-American first team;*

*Whereas, Duane Klueh was the 1948 MVP of the NAIB tourney at Kansas City, an NAIA All-Time All-American, a member of the NAIA Hall of Fame, and is sixth on the Indiana State University all-time scoring list with 1,432 career points;*

*Whereas, In addition to his accomplishments in basketball, Duane Klueh was equally as talented in tennis and won the Little State singles championship in Indiana while at Indiana State University;*

*Whereas, Duane Klueh is perhaps the most successful athlete and coach in Indiana State University athletic history, holding the school record for men's basketball coaching wins with 182 and men's tennis wins with 257;*

*Whereas, Duane Klueh was selected four times as the Indiana Collegiate Conference Coach of the Year in basketball and served as president of the National Association of Intercollegiate Athletics Basketball Coaches; and*

*Whereas, Duane Klueh is a legend among legends at Indiana State University as a great teacher of sport and life and a role model for those he taught: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes Duane Klueh for his many accomplishments both on and off the athletic field and thanks him for his many hours of dedicated service to the students of Indiana State University and the citizens of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of the resolution to Duane Klueh, Indiana State Director of Athletics Andrea Myers, and University President Lloyd W. Benjamin III.

The resolution was read a first time and adopted by voice vote.

### Senate Concurrent Resolution 7

The Speaker handed down Senate Concurrent Resolution 7, sponsored by Representative Whetstone:

A CONCURRENT RESOLUTION to congratulate the Avon High School Marching Black and Gold for receiving the Outstanding Visual Award and the Al Castronovo Esprit de Corps Award during the 2003 Bands of America Grand National Championship.

*Whereas, The Avon marching band has enjoyed great success, winning the Class B division in the state marching band competition its last two years;*

*Whereas This year, after moving to the Class A division, to compete against the largest Indiana high schools, the Avon High School Marching Black and Gold continued its tradition of excellence, winning the Class A division in the state marching band competition held this past October in the RCA Dome;*

*Whereas, The Avon High School Marching Black and Gold competed in the 2003 Bands of America Grand National Championship and earned the 2003 Outstanding Visual Award and the 2003 Al Castronovo Esprit de Corps Award; and*

*Whereas, The enormous success of the Marching Black and Gold has been due to the hard work and dedication of the students, the directors, music arranger, percussion arranger, drill writer, and visual program coordinator: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes and congratulates the Avon High School Marching Black and Gold for receiving the 2003 Outstanding Visual Award and the Al Castronovo Esprit de Corps Award during the 2003 Bands of America Grand National Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Avon High School Superintendent Richard Helton; Principal Tom Wachnicki; Band Directors Jay Webb, Matt Harloff, and Bob Burns; Music Arranger Jay Bocook; Drill Writer Leon May; and Visual Program Coordinator Daniel Wiles.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 19, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

RESKE, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 41, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, after "health" insert "**care services**".  
Page 1, line 6, delete "service" and insert "**services**".  
Page 2, line 27, after "health" insert "**care services**".  
Page 2, line 27, after "hospice" delete "service" insert "**services**".  
Page 2, line 32, after "Health" insert "**Care Services**".  
Page 2, line 32, after "Hospice" delete "Service" insert "**Services**".  
Page 2, line 33, after "health" insert "**care services**".  
Page 2, line 33, after "hospice" delete "service" insert "**services**".  
Page 2, line 36, after "physician" insert "**experienced in home health care**".

Page 2, between lines 36 and 37, begin a new line block indented and insert:

**"(2) One (1) licensed physician with certification in hospice and palliative medicine."**

Page 2, line 37, delete "(2) Six (6)" and insert "**(3) Four (4)**".  
Page 2, delete lines 38 through 39.  
Page 2, line 40, delete "(B)" and insert "**(A)**".  
Page 2, line 42, delete "(C)" and insert "**(B)**".  
Page 3, delete lines 2 through 3.

Page 3, line 4, delete "(E)" and insert "**(C)**".

Page 3, line 8, delete "(F)" and insert "**(D)**".

Page 3, line 10, delete "(3)" and insert "**(4)**".

Page 3, line 11, delete "or hospice".

Page 3, between lines 11 and 12, begin a new line block indented and insert:

**"(5) One (1) registered nurse who is licensed under IC 25-23 with certification in hospice and palliative medicine."**

Page 3, line 12, delete "(4)" and insert "**(6)**".

Page 3, line 17, delete "(5)" and insert "**(7)**".

Page 3, line 19, delete "(6)" and insert "**(8)**".

Page 3, line 21, delete "(7)" and insert "**(9)**".

Page 3, line 22, delete "and experienced in home health or hospice care." and insert "**with experience in hospice and palliative medicine**".

Page 3, line 23, delete "(8)" and insert "**(10)**".

Page 3, line 24, after "IC 25-34.5" insert "**and experienced in home care**".

Page 3, line 25, delete "(9)" and insert "**(11)**".

Page 3, line 25, delete "is:" and insert "**is a bereavement counselor with experience in hospice care**".

Page 3, delete lines 26 through 28.

Page 3, line 29, delete "(10)" and insert "**(12)**".

Page 3, line 30, delete "(11)" and insert "**(13)**".

Page 3, line 30, delete "director of the division of disability, aging, and" and insert "**secretary of family and social services or the secretary's designee**".

Page 3, delete line 31.

Page 3, line 33, delete "(b)(9)" and insert "**(b)(11)**".

Page 3, line 35, delete "(b)(10) and (b)(11)" and insert "**(b)(12) through (b)(13)**".

Page 4, line 31, delete "The" and insert "**Subject to the rulemaking authority granted in IC 16-25 and IC 16-27, the**".

Page 4, line 40, delete "(b)(2)" and insert "**(b)(3)**".

(Reference is to SB 41 as reprinted February 3, 2004.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 42, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 72, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 28, line 33, delete "." and insert ".".

Page 36, delete lines 3 through 31.

Renumber all SECTIONS consecutively.

(Reference is to SB 72 as printed January 14, 2004.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAHERN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 83, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 2, after line 28, being a new paragraph and insert:  
 "SECTION 4. **An emergency is declared for this act.**".  
 (Reference is to SB 83 as printed January 9, 2004.)  
 and when so amended that said bill do pass.  
 Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 86, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.  
 Committee Vote: yeas 10, nays 0.

MAHERN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 106, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 7.  
 Page 11, delete lines 27 through 42.  
 Delete pages 12 through 21.  
 Page 22, delete lines 1 through 18.  
 Page 31, delete lines 37 through 42.  
 Delete pages 32 through 33.  
 Page 34, delete lines 1 through 9.  
 Page 39, delete lines 17 through 42.  
 Delete pages 40 through 44.  
 Page 45, delete lines 1 through 28.  
 Page 52, delete lines 27 through 42.  
 Page 53, delete lines 1 through 14.  
 Page 68, delete lines 5 through 29.  
 Page 69, delete lines 39 through 42.  
 Delete pages 70 through 72.  
 Page 73, delete lines 1 through 15.  
 Page 76, delete lines 7 through 11.  
 Page 81, delete lines 13 through 42.  
 Page 82, delete lines 1 through 34.  
 Page 82, line 35, delete "ADDED BY P.L.274-2003," and insert "AMENDED BY HEA 1032-2004, SECTION 90,".  
 Page 82, line 36, delete "SECTION 5,".  
 Page 83, line 2, after "(a)." insert "A report under this subsection to the executive director of the legislative services agency must be in an electronic format under IC 5-14-6.".  
 Page 83, delete lines 6 through 11.  
 Page 87, delete lines 4 through 13.  
 Page 91, delete lines 6 through 11.  
 Page 95, delete lines 2 through 42.  
 Delete pages 96 through 100.  
 Page 101, delete lines 1 through 7.  
 Page 128, delete lines 39 through 42.  
 Delete page 129.  
 Page 130, delete lines 1 through 2.  
 Page 135, delete lines 34 through 42.  
 Page 136, delete line 1.  
 Page 137, delete lines 14 through 42.  
 Page 138, delete lines 1 through 23.  
 Page 147, delete lines 34 through 38.  
 Page 167, delete lines 6 through 42.  
 Page 168, delete lines 1 through 15.  
 Page 185, delete lines 12 through 42.  
 Delete page 186.  
 Page 187, delete lines 1 through 4.  
 Page 195, line 29, delete "IC 4-22-2-37.1;".  
 Page 201, line 29, after "PASSAGE]" insert ":".  
 Renumber all SECTIONS consecutively.  
 (Reference is to SB 106 as printed January 16, 2004.)  
 and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 133, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 9 and 10, begin a new paragraph and insert:  
**"Sec. 0.5. This chapter does not apply when an individual is detained or committed under IC 12-26-4, IC 12-26-5, IC 12-26-6, or IC 12-26-7."**

Page 2, after line 42, begin a new line block indented and insert:

**"(1) admission to an inpatient setting;"**.

Page 3, line 1, delete "(1)" and insert "(2)".

Page 3, line 4, delete "(2)" and insert "(3)".

Page 3, line 5, delete "(3)" and insert "(4)".

Page 3, line 6, delete "(4)" and insert "(5)".

Page 3, line 7, delete "(5)" and insert "(6)".

(Reference is to SB 133 as reprinted February 3, 2004.)  
 and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 183, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 32 and 33, begin a new paragraph and insert:

**"SECTION 11. IC 14-10-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 7. Except as provided in section 8 of this chapter, the commission may not set an admission fee for a historic site that exceeds the following:**

**(1) In the case of an individual who is less than thirteen (13) years of age, one dollar (\$1).**

**(2) In the case of an individual who is at least sixty-five (65) years of age, three dollars (\$3).**

**SECTION 12. IC 14-10-2-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 8. (a) As used in this section, "nonresident" means an individual who does not reside in Indiana.**

**(b) An admission fee to a historic site charged to a nonresident may be higher than the admission fee charged to a resident of Indiana."**

Page 7, between lines 1 and 2, begin a new paragraph and insert:

**"SECTION 12. IC 14-20-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 9. The division may do the following:**

**(1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.**

**(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.**

**(3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.**

**(4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions, and other interested groups or persons.**

**(5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.**

**(6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.**

**(7) Notwithstanding IC 5-22-22, the division may, under policies adopted in accordance with the code of ethics of the American Association of Museums, do the following:**

**(A) Donate or exchange artifacts in the division's collection to or with a public or nonprofit museum, a historical society, a university, or a similar institution.**

**(B) Sell items in the division's collection at auction or public sale."**

Page 7, reset in roman lines 30 through 35.

Page 7, line 38, delete "(1)" and insert "(3)".

Page 7, line 41, delete "(2)" and insert "(4)".

Page 8, line 5, delete "(3)" and insert "(5)".

Page 8, line 7, delete "(4)" and insert "(6)".

Page 8, line 9, delete "(5)" and insert "(7)".

Page 8, line 14, delete "(6)" and insert "(8)".

Page 8, line 18, delete "(7)" and insert "(9)".

Page 8, line 20, delete "(8)" and insert "(10)".

Page 8, line 23, delete "(9)" and insert "(11)".

Page 8, line 26, delete "(10)" and insert "(12)".

Page 8, line 29, delete "(11)" and insert "(13)".

Page 8, line 31, delete "(12)" and insert "(14)".

Page 8, line 34, delete "(13)" and insert "(15)".

Page 8, line 35, delete "(14)" and insert "(16)".

Page 9, line 1, delete "provide" and insert "assist in providing".

Page 9, line 2, after "operation" insert "and maintenance".

Page 9, delete lines 13 through 19, begin a new paragraph and insert:

**"Sec. 3. (a) The fund consists of proceeds from sales and leases under IC 14-20-1-23(b) and other proceeds generated by the historic sites.**

**(b) At least fifty-one percent (51%) of the funds collected from a particular historic site must be used to benefit that site."**

Page 16, line 1, delete "committee" and insert "committee,".

Page 16, line 6, delete ",".

Page 16, line 7, after "of the" delete "meeting" and insert "meeting,".

Page 16, delete line 42, begin a new line block indented and insert:

**"(1) One-tenth (0.1) of the total budget in equal shares."**

Page 17, delete lines 1 through 10, begin a new line block indented and insert:

**"(2) The remainder in proportion to the value of agricultural and forest crops and products, excluding animals and animal products, produced in each party state. In determining the value of the party states' crops and products, the fund may employ any source of information it believes presents the most equitable and accurate comparisons among the party states. Each of the budgets and requests for appropriations must indicate the source or sources used in obtaining information concerning value of products."**

Page 18, line 25, delete "state" and insert "state,".

Page 19, line 8, delete "treasury" and insert "treasury,".

Page 19, line 27, delete "or a rule adopted".

Page 19, line 28, delete "under this article".

Page 19, line 32, delete "or a rule adopted under this".

Page 19, line 32, delete "article".

Renumber all SECTIONS consecutively.

(Reference is to SB 183 as reprinted January 21, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 188, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 203, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

LYTLE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 213, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, strike "five".

(Reference is to SB 213 as printed January 30, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 214, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana code concerning motor vehicles.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-18-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Not more than ~~two~~ **(2) five (5)** disabled veteran license plates may be issued to each eligible person."

Renumber all SECTIONS consecutively.

(Reference is to SB 214 as printed January 28, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

RESKE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 226, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 16 and 17, begin a new paragraph and insert:

**"(d) This section applies to transfers made by a creditor after May 10, 2005. Before a creditor transfers personal property described in subsection (c) on which delinquent personal property taxes first due and payable after December 31, 2004, are owed, the creditor must obtain a delinquent personal property tax form from the county treasurer and file the completed form with the county treasurer. The creditor must provide the name and address of the debtor and a specific description of the personal property subject to subsection (c) to the county treasurer when making this request.**

**(e) The state board of accounts shall prescribe the delinquent personal property tax form. The form must require the submission of the following information:**

**(1) The name and address of the debtor, as identified by the creditor.**

**(2) A description of the personal property identified by the creditor and in the creditor's possession at the time the form is filed.**

**(3) The assessed value of the personal property, as determined under subsection (f), identified by the creditor and in the creditor's possession at the time the form is filed.**

(4) The amount of delinquent personal property taxes owed on the personal property, as determined under subsection (f), as identified by the creditor and in the creditor's possession at the time the form is filed.

(5) A statement notifying the creditor that IC 6-1.1-23-1 requires that a creditor, upon the liquidation of personal property completed for the satisfaction of the creditor's lien, shall pay in full the delinquent personal property taxes owed on this property in the amount identified on this form from the proceeds of the liquidation prior to applying the proceeds to the creditor's lien on the personal property.

(f) The county treasurer has fourteen (14) days after the date that the creditor requests the delinquent personal property tax form to provide the form to the creditor. The county assessor and township assessor shall provide assistance, including providing the appropriate personal property forms filed with the assessor, to the county treasurer in determining the appropriate assessed value and delinquent personal property taxes of the personal property identified by the creditor to accomplish the purposes of this section."

(Reference is to SB 226 as printed January 16, 2004.)  
and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 7.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-42-2-6, AS AMENDED BY P.L.88-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) As used in this section, "corrections officer" includes a person employed by:

- (1) the department of correction;
- (2) a law enforcement agency; or
- (3) a county jail; or

(4) a circuit, superior, county, probate, city, or town court.

(b) As used in this section, "human immunodeficiency virus (HIV)" includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

(c) A person who knowingly or intentionally in a rude, insolent, or angry manner places blood or another body fluid or waste on a law enforcement officer or a corrections officer identified as such and while engaged in the performance of official duties or coerces another person to place blood or another body fluid or waste on the law enforcement officer or corrections officer commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with:

- (A) hepatitis B;
- (B) HIV; or
- (C) tuberculosis;

(2) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B and the offense results in the transmission of hepatitis B to the other person; or

(B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class A felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

(d) A person who knowingly or intentionally in a rude, an insolent, or an angry manner places human blood, semen, urine, or fecal waste

on another person commits battery by body waste, a Class A misdemeanor. However, the offense is:

(1) a Class D felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with:

- (A) hepatitis B;
- (B) HIV; or
- (C) tuberculosis;

(2) a Class C felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with hepatitis B and the offense results in the transmission of hepatitis B to the other person; or

(B) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person."

Renumber all SECTIONS consecutively.

(Reference is to SB 233 as printed January 16, 2004.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 274, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "owner's" and insert "owner's".

Page 2, line 21, delete "treasurer" and insert "auditor".

Page 2, line 23, delete "treasurer" and insert "auditor".

Page 2, line 25, delete "body's" and insert "body's".

(Reference is to SB 274 as reprinted January 28, 2004.)  
and when so amended that said bill do pass.

Committee Vote: yeas 25, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 295, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "14-29-7-25, and 14-29-8-5," and insert **"IC 14-29-7-25, and IC 14-29-8-5,"**.

Page 2, line 3, strike "knowingly".

Page 2, line 3, after "violates" insert **"an article enforced under"**.

Page 2, line 23, delete "knowingly".

Page 2, delete lines 38 through 41.

Page 3, line 2, delete "knowingly".

Page 3, line 7, delete "knowingly".

Page 3, delete lines 31 through 40.

Page 4, line 7, after "structure" insert **"who has been notified that the structure is subject to the department's jurisdiction under this chapter"**.

Page 4, delete lines 29 through 38.

Page 5, line 3, after "chapter;" insert **"and"**.

Page 5, line 8, after "writing" insert **"that"**.

Page 5, line 8, delete "to".

Page 5, line 20, after "shall" insert **", under IC 4-21.5-3-5(a)(5),"**.

Page 5, line 29, delete "IC 4-21.5-3-6" and insert **"IC 4-21.5-3"**.

Page 5, between lines 33 and 34, begin a new paragraph and insert:

**"(f) The department may not determine that a structure is a high hazard structure under this section if the structure is subject to:**

**(1) the department's regulation under IC 14-34; or**

**(2) regulation under the federal Mine Safety and Health Act of 1977."**

Page 7, line 10, delete "knowingly:" and insert ":".

Page 7, line 30, delete "knowingly".

Page 7, delete lines 34 through 39.

Page 7, line 42, delete "knowingly".

Page 8, line 9, delete "knowingly".

Page 8, delete lines 28 through 33.

Page 8, line 36, delete "knowingly".

(Reference is to SB 295 as reprinted January 27, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, after "result of" insert **"the following:**

**(1) Obesity.**

**(2) Smoking.**

**(3)".**

Page 2, line 2, delete "construction" and insert **"Construction"**.

(Reference is to SB 359 as reprinted February 3, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Engrossed Senate Bill 360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 2.

STEVENSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 363, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

PELATH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Engrossed Senate Bill 383, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:

**"SECTION 2. IC 9-13-2-42, AS AMENDED BY P.L.74-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.**

**(b) The term does not include the following:**

**(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.**

**(2) A public officer while performing official duties.**

**(3) A person who is a dealer solely because of activities as a transfer dealer.**

**(4) A person that sells off-road vehicles.**

**(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.**

**SECTION 3. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

**SECTION 4. IC 9-13-2-123, AS AMENDED BY P.L.21-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, or a school bus, or an off-road vehicle.**

**(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.**

**SECTION 5. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:**

**(1) are subject to the motor vehicle excise tax under IC 6-6-5;**

**or**

**(2) are off-road vehicles for which a certificate of title was issued by another state;**

**and that (2) will be operated in Indiana.**

**(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:**

**(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;**

**(2) are not subject to proportional registration under the International Registration Plan; and**



(3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 6. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. A person that purchases an off-road vehicle after June 30, 2004, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 7. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 5.** If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

(1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~

(2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; ~~or~~

(3) other information that the bureau requires, if the other state does not have a certificate of title or registration law.

SECTION 8. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 6. (a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

(b) (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

(c) (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 9. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 9. (a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A person applying for a certificate of title must:

(1) apply for registration of the vehicle described in the application for the certificate of title; or

(2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 10. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 17. A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.**

SECTION 11. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to an off-road vehicle.**

SECTION 12. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.** This article does not apply to the following:

(1) Farm wagons.

(2) Farm tractors.

(3) Farm machinery.

(4) A new motor vehicle, if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(5) Off-road vehicles.

SECTION 13. IC 9-18-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4.** Not more than ~~two~~ (2) **five (5)** disabled veteran license plates may be issued to each eligible person.

SECTION 14. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 15. IC 9-23-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 16. IC 9-23-2.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a person that leases off-road vehicles.**

SECTION 17. IC 9-23-3-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.1. This chapter does not apply to a person that distributes or manufactures off-road vehicles.**

SECTION 18. IC 9-23-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 2. (a) This section does not apply to a manufacturer of off-road vehicles.**

(b) Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the manufacturer or the converter manufacturer is liable for all damage to a new motor vehicle before delivery to a carrier or transporter.

SECTION 19. IC 9-23-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a franchise that sells off-road vehicles.**

SECTION 20. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4.** A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.

(2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, **stepparent**, or relative of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, **stepparent**, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 21. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2."**

Renumber all SECTIONS consecutively.

(Reference is to SB 395 as printed January 23, 2004.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

RESKE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 446, has had the same under consideration and begs leave to report the same back



to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "Commission" delete ".".  
 Page 1, line 6, delete "section 10" and insert "**section 9**".  
 Page 4, delete lines 32 through 33.  
 Page 4, line 34, delete "8." and insert "7".  
 Page 4, line 42, delete "9." and insert "8".  
 Page 5, line 10, delete "10." and insert "9".  
 Page 5, line 32, delete "11." and insert "10".  
 Page 5, line 39, delete "12." and insert "11".  
 Page 6, line 5, delete "13." and insert "12".  
 Page 6, line 12, delete "14." and insert "13".  
 Page 6, line 19, delete "15." and insert "14".

(Reference is to SB 446 as printed January 30, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PELATH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 449, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE APRIL 1, 2004] (a) **As used in this SECTION, "CHOICE program" refers to the community and home options to institutional care for the elderly and disabled program established under IC 12-10-10.**

(b) **As used in this SECTION, "office" refers to the office of the secretary of family and social services (IC 12-8-1-1).**

(c) **The office shall report, in writing, to the health finance commission (IC 2-5-23) not later than May 1, 2004, the office's progress in implementing IC 12-10-11.5. The report must also include the following:**

(1) **Plans and progress to use all funds appropriated by the general assembly for the CHOICE program, and only for that program, as long as a waiting list exists for CHOICE program funded services.**

(2) **Plans for establishing the comprehensive array of home and community based services that are required by IC 12-10-11.5.**

(3) **Progress in enrolling individuals in home and community based services through Medicaid waivers, using the income eligibility standard established for those services by IC 12-10-11.5.**

(4) **Progress in moving individuals from institutions to home and community based services through Medicaid waivers, using the funds that follow the individual under IC 12-10-11.5.**

(5) **Progress in tracking and recording savings generated by the implementation of IC 12-10-11.5.**

(6) **Plans and actions taken to secure federal funding, including grants and private and state funding, other than funds appropriated to the CHOICE program, to assist in the implementation of IC 12-10-11.5.**

(7) **The office's reasons for any failure to meet the statutory deadlines established by IC 12-10-11.5.**

(d) **This SECTION expires July 1, 2005.**

SECTION 3. **An emergency is declared for this act."**

(Reference is to SB 449 as printed January 23, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Engrossed Senate Bill 493, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEVENSON, Chair

Report adopted.

#### OTHER BUSINESS ON THE SPEAKER'S TABLE

##### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 19 had been referred to the Committee on Ways and Means.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Leonard be added as cosponsor of Engrossed Senate Bill 23.

FRENZ

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as cosponsor of Engrossed Senate Bill 34.

DVORAK

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 41.

C. BROWN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as cosponsor of Engrossed Senate Bill 43.

T. ADAMS

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Thomas and Kuzman be added as cosponsors of Engrossed Senate Bill 83.

FOLEY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 133.

C. BROWN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Mays removed as sponsor of Engrossed Senate Bill 202, Representative Liggett be substituted as sponsor, and Representative Mays be added as cosponsor.

MAYS

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Hinkle be added as cosponsor of Engrossed Senate Bill 232.

AUSTIN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Thomas and Kuzman be added as cosponsors of Engrossed Senate Bill 233.

FOLEY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as cosponsor of Engrossed Senate Bill 268.

PORTER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak removed as sponsor of Engrossed Senate Bill 300 and that Representative L. Lawson be substituted as sponsor.

DVORAK

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 359.

C. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as cosponsor of Engrossed Senate Bill 385.

DVORAK

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as cosponsor of Engrossed Senate Bill 428.

C. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 449.

C. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown removed as sponsor of Engrossed Senate Bill 497 and that Representative Kersey be substituted as sponsor.

C. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as cosponsor of Engrossed Senate Bill 497.

KERSEY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Harris, the House adjourned at 10:55 a.m., this twelfth day of February, 2004, until Monday, February 16, 2004, at 2:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives